

Serial No. 09/986,913

Docket No. 1186.1020

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 1, 9, 21, and 33-35 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-26 and 28-35 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendments of claims 1, 9, 21 and 33-35 put this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of claims 1, 9, 21, and 33-35 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised and the amendments simply clarify said claims so that it is clear that there are no time constraints and so that the features are positively recited; and/or

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised; and/or

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

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REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 2-5, claims 1-26 and 28-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over USPN 6,284,337 to Lorimor et al. (hereafter, Lorimor) in view of USPN 5,800,950 to Hirao et al. (hereafter, Hirao), JP 03118198 to Kijima et al. (hereafter, Kijima), and USPN 6,111,696 to Allen et al. (hereafter, Allen). This rejection is based on having to combine four (4) references. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

It is respectfully submitted that the amendment to claim 1, i.e., "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image by arranging a polarizing member at an observer side close to the latent image formation layer," is not a description of a condition due to time constraints. In addition the new amendment is a positive recitation to the claim. Thus, the aforesaid phrase relates to patentability.

Lorimor et al. (USPN 6,284,337) discloses a security laminate 26 comprising an emblem layer 14. Lorimor et al. describes the liquid crystal polymer as a material of the emblem 14 by way of example. As is clear from the description in column 5, lines 8-50, this liquid crystal polymer is an example of materials which are visible to the unaided eye. That is, Lorimor et al. does not disclose a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer."

Hirao et al. (USPN 5,800,950) merely discloses the liquid crystal compounds. That is, Hirao et al. does not disclose a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer."

Kijima et al. (JP 03118198) merely discloses in the Abstract that a metal reflecting layer 3, a polymer liquid crystal layer 4 and a polarizing film 5 are successively laminated to a card base material 2. That is, Kijima et al. does not disclose a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer."

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Allen et al. (USPN 6,111,696) teaches blending and dispersing liquid crystal polymers in a continuous phase with axes aligned as well as using adhesives to laminate optical films. That is, Allen et al. (USPN 6,111,696) does not disclose a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer."

As described above, Lorimor et al., Hirao et al., Kijima et al. and Allen et al. do not disclose a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer." Further, Lorimor et al., Hirao et al., Kijima et al. and Allen et al. do not even suggest a structure wherein "said laminated composite is configured to visualize the latent image by arranging a polarizing member at an observer side close to the latent image formation layer." Therefore, claim 1 and its dependent claims 2 to 8 have an inventive step over Lorimor et al., Hirao et al., Kijima et al. and Allen et al., and claim 1 is not taught or suggested by Lorimor et al., Hirao et al., Kijima et al. and Allen et al., alone or in combination.

Hence, it is respectfully submitted that claim 1 is not obvious under 35 U.S.C. §103(a) and is patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination. Since claims 2-8 depend from amended claim 1, claims 2-8 are submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination, for at least the reasons that amended claim 1 is submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination.

Independent claims 9, 21 and 33-35 have been amended in similar fashion to claim 1. Thus, in similar fashion, claims 9, 21 and 33-35 are submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination, for at least the reasons that amended claim 1 is submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of

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USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination.

Since claims 10-20 and 22-32 depend from amended claims 9 and 21, respectively, claims 10-20 and 22-32 are submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination, for at least the reasons that amended claims 9 and 21 are submitted to be non-obvious under 35 U.S.C. §103(a) and to be patentable over USPN 6,284,337 to Lorimor et al. in view of USPN 5,800,950 to Hirao et al., JP 03118198 to Kijima et al. and USPN 6,111,696 to Allen et al., alone or in combination.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

August 10, 2004

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